

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18217 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the 3rd respondent in issuing the impugned notices Roc.No.2207/2016/G1, dt.03.05.2017 for demolition of the petitioners’ buildings situated at D.Nos.21-1-97, 14-2-33, 14-2-37, Ambati Satram Road, Vizianagaram, Vizianagaram District, Andhra Pradesh as illegal, arbitrary and violative of Article 300-A of the Constitution of India and set aside the same.”

2. The main grievance of the petitioners is that respondent No.3 issued the aforesaid notices without following the procedure under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. When the matter was taken up on 07.06.2017, this Court directed the respondents not to proceed with the demolition of the subject property till 21.06.2017. Today, learned counsel for the petitioners submitted that the petitioners are entitled for compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act and they have also submitted their representation to the authorities concerned for which learned Standing Counsel appearing for the respondent Municipality submitted that on receipt of the said representation, the Municipality will consider the same and pass appropriate orders in accordance with law and

till a decision is taken on the said representation, the Municipality will not proceed with the demolition of the subject property.

4. Recording the submission of the learned Standing Counsel and considering the facts and circumstances of the case and the grievance of the petitioners, without going into the merits of the case, respondent No.3 is hereby directed to consider the representation of the petitioners and pass appropriate orders in accordance with law as expeditiously as possible, preferably, within a period of eight (8) weeks from the date of receipt of a copy of this order. Till then, the respondents are directed not to proceed with the demolition of the subject property. There shall be no order as to costs.

5. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date : 21.06.2017
AMD

JUSTICE RAJA ELANGO



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Date: 21.06.2017

AMD